

Board of Firefighting Personnel Standards and Education Minutes

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**WAYNE TWP. FD  
700 N. HIGH SCHOOL RD.  
INDIANAPOLIS, IN  
ROOM E  
DECEMBER 6, 2004  
10:00 am**

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**A. Board Meeting Called to order**

**B. Roll Call**

Jerry Nulliner  
Charles (Don) Hall  
Ivan Nevil  
Jack Kerney Sr.  
Patrick Donoghue, Acting Chairman  
Tom Loraine

Absent members:

Paul Covington  
Darrick Scott  
Luther Taylor  
Bernice Clark

**C. Minutes from November 8, 2004; Board Meeting; & Statistical Report November 2004**

Patrick Donoghue made motion to accept. Jerry Nulliner seconded. Motion passed.

**D. Variances, Hearings and Appeals**

a. **Erich Kaiser** requests a variance 655 IAC 1-21.-19, Instructor I based on Tri-State University degree in Bachelor of Science in Criminal Justice.

Staff recommendation is to deny this request, based on no teaching experience.

**Tom Loraine-** nothing in the rules requires teaching experience. I motion to approve based on transcript with 2 communication courses.

**Jerry Nulliner** seconded.

**Ivan Nevil-**If IFSAC is desired he must take the written and practicals skills test.  
Motion passed.

b. **Doug Cox** is asking for variance 655 IAC 1-2.1-10, FO III, due to having an Assoc. Degree in Applied Science.

**Jerry Nulliner** motions to approve.  
**Tom Loraine** seconds. Motion passed.

c. **Robert Prather** is appealing the decision by PSTI office to deny Instructor I.

Motion made to send appeal to the judge.  
Motion was seconded. Motion passed.

d. **Michael Weddle** requesting a variance for FOI 655 IAC 655-1-2.1-8; Firefighter I 655 IAC 1-2.1-4; Firefighter 2 655 IAC 1-2.1-5; DOP 655 IAC 1-24-2 and 655 IAC 1-2.1-6 based on Military training and experience. (Paperwork attached)

**Jerry Nulliner** made motion to deny. We have written and practical skills in place and past practice has been to require these.  
**Tom Loraine** seconded. Motion passed.

E. **SEMA/DFBS/PSTI Report-** Luther J. Taylor, Sr., Executive Director  
No report at this time.

F. **State Fire Marshal Report-** Ivan Nevil

December 21st there is a luncheon for Director Taylor at the Garrison. This will be the Directors last day. Everyone is invited. The cost is \$15.00. He is going back to South Bend as the Chief. The office tomorrow is the Commission meeting. The IFSAC committee is in town and the revalidation will start tomorrow and they will be in town doing that and they will leave on Thursday. I feel like we are ready for them. We will have some explaining to do to them on some, but there is nothing there that should impede the reaccreditation levels that we are asking to be approved. School inspections are going well. Should finish those up and everything approved by the end of this month. State Board of Ed. Needs those in January in order to award the PBA money for the next year. On the NFRS side, Gary said this morning that he is receiving everything from MECA 2003 and 2004. Takes about 4 days to run with everything they have to submit to us. 35 to 40 thousand runs this year. Once everything has been entered then they will compile the report. This will create an annual report in a book form for the state. The video, the bids have been received back for that. Hopefully this week we will be awarding the bids for this under House bill 1106. Early Feb. depending on if they let us spend money to get it done. If it is held over until after the transition, then hopefully that will become a top priority. The position that Jerry Schneider has left, he went back to his previous position in Columbus. The position for PSTI Fire Admin. Probably will not be acted on. The governors freeze has not acted on any positions in the last 4 weeks. We assume that this position will not be acted on until sometime in January, and then hopefully it will be posted. Even though it is a non political position the governors freeze committee will not allow it to be posted.

**Tom Loraine** - Back to the video. Do you have a procedure in place to view this prior to receiving this.

**Ivan Nevil** - Yes, that was in the contract. That we have full review prior to being

produced.

**Tom Loraine** - Since the Board is responsible for that I think it would be appropriate for a Board member to be part of that review process.

**Ivan Nevil** - The office luncheon is scheduled for the 15th, so if anyone would care to stop in, you would be welcome. PSTI is having there's on the 17th.

**Tom Loraine** - Any proposed legislation?

**Ivan Nevil** - Nothing has been done on that. Got an e-mail from Brad, and everything is in limbo. Everything that we've talked about on proposed legislation.

#### **G. Public Safety Training Institute Report**

No report at this time.

#### **H. Administrative Proceedings- Administrative Law Judge**

a. Jack Kerney reappointed for 4 year term to the Board of Firefighters Personnel Standards and Education.

b. Thomas Hanify reappointed for 4 year term to the Board of Firefighters Personnel Standards and Education.

#### **I. Old Business**

a. Letter from Jason Werle, if you have an IFSAC Fire Officer 3 or 4, or Inspector 3, do you get State certification for it.

**Tom Loraine** - If he has IFSAC then yes we will give. With proper documentation he will be given state with IFSAC or Pro Board. The will have to apply for variance.

b. Minimum training requirements - Tom Loraine

The committee is working and hopefully they will have everything ready in January. Hopefully will have at least an outline of the mandatory and voluntary standards and its impact on volunteer and career in time for the next Board meeting.

c. Test Validation - Tom Loraine

I think we need to keep this on the agenda until such time as we are up and running full time with PSTI and Director. Because this was to be useful in test validation. As an example the need for the Insp ½ test that was given on Friday. There were two questions that were bad. One had 2 answers that would have been correct. I would like to keep this on the agenda.

d. NIMS - Maynard Masters

All of you have a document that has changed since the original and there has been some adjustments on this. If you read the letter the old program for NFA program fire scope meets the criteria except for the crossover. So if they can produce a certificate and then take the crossover then we're ok. If they don't have it; the new program that came out now meets that plus the crossover. So they can go and get the certificate now, however, if we go with the certification program you still got the same thing hear, that they have not taken the written examination written by the state in order to get the certification. They have the certificate of completion that meets the NIMS request. But for certification they are going to have to take the written exam.

**Tom Loraine** - Are you saying that the NFA is not doing any written?

**Maynard Masters** - You can take the 100, 200 and the 700 on the web site now. And then take the written exam on the completion of it. NFA on the fire school program there is a written exam for it, however a lot of states do not require it. There is no scoring of it. We still expect there to be more changes, however the objectives for the most part are not going to change. And we can write those changes into the curriculum at any time. So the basis of this is that if you want certification, we are well on our way. We can change the curriculum but the objective will always be the same.

**Tom Loraine** - If we can adopt and NFPA standard, say 1001 Standard for Firefighter 1 chapter 2, we do not adopt each one of those as individual objective, would we be better off if this was a training package that could continue to grow or be refined over the years. Wouldn't we be wise to adopt them by reference also? As an addition of ....

**Maynard Masters** - The government has taken each one of these and set them aside as particular areas of completion such as the 100 and the 200. So what they are saying is that those have to be prerequisites for the other things.

**Tom Loraine** - The only reason I bring this up was because I was a little concerned when we did the strategy and tactics we had to get into such level of detail as far as what our statute was going to be or what our guidelines were going to be rather than adopting a standard that's being upgraded on a regular basis.

**Maynard Masters** - The way I understand it is that anyone connected with emergency response is going to have to be certified to the first level. This format follows the Homeland security.

**Jerry Nulliner** - The thing I don't understand in the I 300 is that you start out with module 7. Is module 1-6 in the first few and you just did not split them out separately?

**Maynard Masters** - Well I didn't get this fax until Sunday morning, and I wanted to get it into your hands as quick as possible so I didn't go back and ....but then 100 and 200 is modules so there is a difference in terminology there. The questions that Pam had have been answered. Those slides are being added to the program. The other thing is that Brad Thatcher and Heather from SEMA are going to hand carry this same document to the PSTI Board members and ask them to adopt it. That way it puts the training side and the training arm in line. SEMA says that they can certify the program. I don't see how. They can give certification of completion, but I don't see where they have an actual certification powers.

**Jerry Nulliner** - I think it's a terminology thing with them because all of these certificates say completion.

**Ivan Nevil** - I am against certification on this level or on anything else. My concern is that, right now, and I just talked to Tom Hanify about it, IFD maybe going to the program that just came out of the National Fire Academy. All four levels there. That is going to be the IFD program, and if IFD goes that way, Marion County will go that way because they all operate on the same sheet of music. If our two programs do not dovetail, we have a tremendous conflict that we need to overcome somehow. How it's going to be overcome, I really don't know. Someone needs to sit down and work this out with IFD and Marion County and find out what they are going to be doing, or if they are going to be going with the NFA program that's out there now, that addresses the same issues. Once the Marion County FF go through this they probably really don't care if it's for certification or not.

**Maynard Masters** - Well, to answer this. They don't have to get certification. But they can be given the same test as what this board request from the people that are doing it and

they are still going to pass it. And they are still going to come out with the certification.

**Ivan Nevil** - I think that we need to set down and somebody does, to make sure that we don't end up with two different programs in the state.

**Tom Loraine** - We will grant reciprocity for practical skills, not attendance based training.

**Maynard Masters** - The objectives that I took out of the 100,200,30, 400 and 700 are the same that the same thing that they are accepting already under the Fire scope or the NFA program. So we are on the same. One of the big things that really bothers me is that I have dealt with Fire emergency services for the last 40 years, and today you can walk into a room and put a fire book down in front of an EMT and they are going to throw it at you. You do the same thing with a police officer. You come in and say they are going to take an NFA program and they are going to argue. We had to have something generic to pick up health departments, the IDEM, record operators,

**Ivan Nevil** - That's why they went from division directors to groups. New terminology in the new program.

e. New proposed rules - Mara Snyder; Ivan Nevil

The new rules are hear and the Public Hearing is January 10th at the Union Hall, so we need a quorum there as it is a public hearing. We took them to LSA and they did us a favor. They split the awareness, operations and technician. They started a new series of numbers for operations and gave new chapters. One other change on the NFPA standard, Fire Officer I, added Instructor I as a prerequisite. Strategy and Tactics we need to decide about written and practical skills. Do we want to require both, because we need to work on this if so.

## **J. New Business**

a. What instructor is allowed to sign as on Instructor signature on Firefighter application? Maynard Masters

This came up because of the Circle City School. Jim McCoy taught the Inst 2/3 program, he became sick, so I proctored the exam and actually signed the application as Instructor. About 2-3 weeks later I started getting calls from some of the students saying they had never received there scores. So I called Barb to find out what the problem was and she told me that as the proctor, I could not sign as Instructor. My response back to her was where in the rules and regs does it say that? So then she came up with 655 IAC 1-1-.12 sec 12. The rules do not say that I cannot sign that. They simply say that you have to be an Instructor 2/3 for an advanced course, and be certified in that particular field. Even if you are the Instructor you cannot accept the competency of the student. Only the test can do that and the practicals from the lead evaluator. I really don't understand why there should be any problem what - so - ever who signs that down there as long as there an Instructor 2/ 3. Or a qualified instructor for that class.

**Tom Loraine** - I have had a problem with this and Ivan and I have had several discussion through the years on this . I see no reason for the Instructor...the true responsibility would belong to the lead evaluator. If we are really going to follow up on sec 12, the instructor who is accepting responsibility for the competency has to be the lead evaluator who is signed in at the beginning.

**Maynard Masters** - The question is not as to whether or not you can teach the class, the

question is who can sign that down there on the application?

**Tom Loraine** - I think what we have done, is used this as a series of checks to make sure that the Instructor of the class is not the same person as the proctor/evaluator, and I have no problem with using it in that way.

**Ivan Nevil** - However, the board has taken disciplinary action against someone who's name appears on all three. We have talked about this in the office. If Maynard's name appears on all three lines, then this is bad news because the board says you cannot do that.

**Tom Loraine** - That's right. And that was from the security requirements from IFSAC.

**Maynard Masters** - My thing is that everybody is following the same rules. Normally I'm not going to proctor/evaluate and sign the list. Normally if I'm the instructor, I'm the one that signs it. In this particular case, I sent Jim home.

**Tom Loraine** - The only people that we have control over, are the Instructor 2/3.

**Tom Hanify** - I agree, and this system that checks and balances, but in this situation there could have been a note attached to it.

**Patrick Donoghue** - I think what is being said is that if you include an explanation, .....

**Maynard Masters** - If we are going to insist that the lead instructor be the lead instructor of that class, then that word down there needs to read lead instructor signature.

**Tom Loraine** - Not necessarily, because we are using this document, the final document that tells us that yes in fact that the Instructor was not the proctor/evaluator.

**Jerry Nulliner** - That is still not going to answer the question. Because if I'm doing a FF ½ class and I have 15 different Instructors there, I can have 15 different people that can end up being the proctor/evaluator, and I sign off on the sheet even though they taught part of the class. I know the rules say not to do all three,

**Maynard Masters** - There are so many wholes in this thing,

**Tom Hanify** - Maybe we should look at the form and see if there is a better way, I mean, I don't know.....

**Jerry Nulliner** - For most of the Board members, I went down to the office, dropping something off, and in the ½ hour 45 minutes I was there Ivan knows it and those 3 know it, what happens is there was probably 5 -6 times, while I was standing there, they said , "Oh, I've got a board member standing here in front of me to answer this question. That goes on ....if that goes on 5 times a day, that's probably a short number as far as the number of tests being done. Barb and I talked a great length after I walked out of the office, she walked out with me and we stood out in the hallway for quite awhile, for one to get away from the phone calls, and I think there is a lot of things that happens at the office, that the information that is done, and I don't think there is anything being kept away from the Board members , because of the fact that there are questions that have to be answered right away and if there is no direction from the Board on how those answers have to be given, they have to go on past practice and what they are actually able to see in writing. The Board is the one that is supposed to direct this as to how the certification program will work, the Board needs to probably put together a sub-committee that's going to look at some of those, and see what kind of questions come up or set there and come up with some basic guidelines. Tom Hanify - I have a suggestion. Are there ways to improve the form. Can the staff look at this and maybe change a word or a term. I don't want to change there checks and balances in the normal way. Maybe just put an asterisk (\*) indicating that a letter of explanation should be issued. But those things that you guys

work with everyday can evaluate and bring back in 60 days or 90 days.

**Maynard Masters** - The problem with these things are that they are an unwritten rules, of decisions being made on a basis of what shows up, or it is a written rule and nobody knows about it. I've long had a problem, we've had the Board of Personnel Education & Standards stuff setting right here in front of me, and I would love to get an update on it on a Web site anytime I want. I don't now what PSTI's rules and regulations are, nobody has ever showed me a list of those. Now is there is changes, they need to go out to every Instructor in this state, and that will stop that, now I have heard the remarks that it is so expensive to mail something to every Instructor, but we have electronic e-mail now that probably goes out to 600 or 700 people in this state every time the fire marshal blinks an eye, it is easy to put on there.

**Tom Hanify** - Your right electronically. Put something on the form saying that if you have any questions about this form, then on our web site on page what ever, there is clarification. And that could be a line on the bottom of the form that would answer all of these.

**Tom Loraine** - I thing that a PSTI web site for Instructors would be a very prudent thing.

**Ivan Nevil** - Who every they hire, my Instructor mail list that I had, was lost in the transfer from one computer to the new computer. The application for Firefighter Certification is going to have to be redone anyway. We are adding about 35 new levels of certification. It's not going to be on one page anymore, so there is going to have to be a new form created. NIMS is going to have to go on there, all of the technical rescue, so a new one is going to have to be created.

b. Discussion on Mandatory Training, Tom Loraine

When you look at the package that Barb has prepared for each of you today, this goes back to looking at the material that came out of 1106, the concern is that if the word got out, there would be more attempts at pencil whipping the application phase for mandatory training. In other words, if it doesn't really say that ventilation should be 1 hour or 2, or SCBA 6 or whatever, there won't be any. They will just be signing off. Since we did a mandatory training and skill as a pilot a couple of years ago, the feedback that I recall was very positive. I would like to move that mandatory training is outline in House enroll act 1106, the requirements would include practical skills and certification requirements as published by the Indiana Public Safety Training Institute , and I would like to put a subset date on that of 1 year. So that this board will have to examine, see if it need to continue. We are also asking for an opinion from the Attorney General, as to the issue of this boards requirements on the potential for mandatory standard, but I think in the interim that we owe the fire service at least making sure that they are being provided with at least the same level of training that has been in the past. My motion is that we adopt the practical skills sheets and certification requirements as you see here in this yellow book for all new applications of mandatory training in the state of Indiana .... And the rule that we .prorogated to do will end in 1 year.

**Ivan Nevil** - I don't know that you need a motion to do that.

**Jerry Nulliner** - I second the motion, just so we can legally ....

**Ivan Nevil** - I don't have any problem with what you are trying to do, but, we don't have anything on the 24 hour for check and balance.

**Tom Loraine** - Yes, but it did say very specifically that they were to get this many hours of training in each of those areas. That is not there any longer.

**Ivan Nevil** - Correct, and that was kind of at your urging because our requirements were secondary to the objectives being taught. We are now after the objectives and competency, forget the hours.

**Tom Loraine** - Ok, I will drop the motion. I was not aware .....

c. Administrative Cause No. 04-02 - John Hash, Ivan Nevil

We had the issue with Mr. Hash, over the proctor, lead evaluator and everything as it relates to a test out that he was doing. Randy Wood went down and spoke to all individuals involved. At that time Randy asked Mr. Hash if he had the skill booklets and Mr. Hash replied that he did have them in his possession. After that, when we went to the hearing we have been unable to have Mr. Hash present the skill booklets as evidence, of him signing off as proctor, instructor and evaluator. He has been unable to produce the book or will not produce them, it is the opinion of counsel that we drop the proceeding against Mr. Hash and that we revoke the probationary status that was issued and restore him to his original status as an Instructor. Motion to pass made by Tom Loraine, and seconded by Patrick Donoghue. Jerry Nulliner voted not to approve. Motion passed.

**K. Adjournment**